

Appl. No.: 10/066,908
Atty Docket: CG-716
Inventor: Montgomery

REMARKS

Reconsideration of above referenced application is respectfully requested. After entry of office action response, claims 1-3, 9, 30-31 and 41 remain in the pending application.

Applicant's attorney and the Examiner conducted an interview on September 1, 2004 regarding the pending office action. During the interview, the Examiner conceded that the drawing objection was improper and withdrew said objection. Although conceding this point, the Examiner would not withdraw the 35 U.S.C. § 112 rejection even though said rejection was related to the drawing objection. However, the Examiner agreed that the rejection could be overcome by filing a new drawing similar to Figure 9 and describing the drawing as depicting the elected subspecies described in the Examiner's previous office action. The Examiner agreed that this would not be new matter. That drawing and description are provided herewith.

DRAWINGS

The Examiner has objected to the drawings under 37 CFR 1.83(a), which generally states in pertinent part, the drawings must show every feature of the invention specified in the claims. As best understood by Applicant's attorney, the Examiner alleges that "said on-direction stop mechanism including a lug depending from said top wall and extending inwardly from said skirt" is not shown in the drawings.

To the contrary, Applicant's attorney respectfully asserts that the claimed structure is shown in Figure 6 of the present application. Further, the child-resistance mechanism mentioned by the Examiner is shown in Figures 8-9. With the claimed structure shown in Figure 6 and 8-9, the Examiner's rejection is not understood and Applicant's attorney respectfully requests this ground of rejection withdrawn.

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35 U.S.C. § 112, Rejection of Claims 1-3, 9, 30, 31 and 41

The Examiner has rejected Claims 1-3, 9, 30, 31 and 41 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant's attorney respectfully traverses the Examiner on this ground of rejection.

As best understood by the Applicant's attorney, the Examiner asserts that the child resistance mechanism is included in the embodiment of "said on-direction stop mechanism including a lug depending from said top wall and extending inwardly from said skirt" of claims 1, 30 and 41 and is not described in the specification.

To the contrary, the on-direction stop mechanism is shown in Figure 6, as previously indicated, and is described at page 8, lines 7-19. Further, the child resistant mechanism is shown at Figures 8-9 and is described from page 9, line 10 to page 11, line 11. Accordingly, Applicant's attorney asserts that the Examiner's 35 U.S.C. § 112 rejection is improper and respectfully requests that this ground of rejection be withdrawn.

CONCLUSION

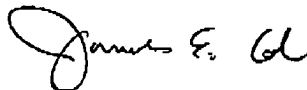
Applicants believe that the instant application is now in condition for allowance. Applicants therefore respectfully request that the Examiner allow the pending claims. However, if the Examiner believes there are other unresolved issues in this case, Applicants' attorney of record would appreciate a call at (502) 584-1135 to discuss such remaining issues.

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Respectfully submitted,

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